

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for March 11, 2005 PLANNING COMMISSION MEETING**

**P.A.S.:** Comprehensive Plan Conformance No. 05003  
SW 126<sup>th</sup> and W. Van Dorn conservation easements

**PROPOSAL:** To find that the acquisition of permanent conservation easements over native prairie conforms with the 2025 Comprehensive Plan.

**LOCATION:** Generally southeast of the intersection of W, Van Dorn and SW 126<sup>th</sup> Street.

**LAND AREA:** a 118.87 acre portion, more or less, of the NW 1/4 of the section.

**CONCLUSION:** This conservation easement is for the purpose of preserving of native prairie. Acquisition of the conservation easement by the Lower Platte South NRD is in conformance with the Comprehensive Plan and supports several goals of the Plan.

<b><u>RECOMMENDATION:</u></b>	<b>In conformance with the Comprehensive Plan.</b>
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

A portion of Lots 16 and 17 Irregular Tracts, located in the NW 1/4 of Section 5, T9N R5E, Lancaster County, Nebraska. See attached legal description.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** One dwelling. Farm land and pasture land.

**SURROUNDING LAND USE AND ZONING:**

North:	Farming and acreages	AG Agriculture
South:	Farming	AG Agriculture
East:	Farming	AG Agriculture
West:	Farming, one house	AG Agriculture

**HISTORY:**

2004 Planning Commission and County Board approved this (CPC 04012) with slight alterations. 1979 This property was changed from AA Rural and Public Use to AG Agriculture.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Future Land Use Plan shows this area as Agriculture. Language in the Plan states:

**Emerging Regional Planning Issue** identified:

Conservation and protection of environmental and natural systems. (F 4)

**Guiding Principles for the Urban Environment** include:

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (F 18)

**Environmental Resource Features** represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (F 52)

A brief description of each of the Plan's environmental resource features is provided below.

**Native Prairie** This feature refers to the tallgrass prairie areas that are dominated by big bluestem, little bluestem, indian grass, and sideoats grama grass species. Numerous wildflowers and forbs are also found in these prairies, including purple coneflower, purple prairie clover, and black-eyed susan. Though historically they were the regions prevailing natural condition, native prairies are an increasingly rare feature on the Nebraska landscape. Lancaster County is fortunate to have about 8,640 acres of native prairie remaining, although they are scattered throughout the county in patches of land that must remain whole if their integrity as a natural resource feature is to continue. Nine Mile Prairie and Spring Creek Prairie are two of the larger massings of native grasslands in the county.

**Core Resource Imperatives** were selected from the Environmental Resource Features as those that should receive the greatest consideration in the long range planning process. (F 54)

**Native Prairies** – Prior to the European settlement period, tallgrass prairies dominated the Nebraska landscape.

Native prairie remnants remain scattered throughout the County, providing a home to numerous grasses, wildflowers and forbs. The remaining native prairies are becoming rarer and thus are increasing in value as an ecological amenity. The prairies are a key component of the signature landscape the first Europeans encountered when they settled in Nebraska and remain a visual clue to Lincoln and Lancaster County's "sense of place."

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features. (F 55)

Preserve ecological protection areas. Protect areas that are biologically interconnected to support bird, animal, and insect migration and supporting vegetation. Examples are stream beds and wooded corridors, prairie land, and saline wetlands.

The **Greenprint Challenge: Implementation Strategies** include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

**ANALYSIS:**

1. This request is a minor modification to the previously approved conservation easement. The property owner will transfer a conservation easement for preservation of native prairie to the Lower Platte South NRD. This request would find the now modified potential conservation easements in Conformance with the Comprehensive Plan.
2. This includes two parcels and about 118 acres of a quarter section.
3. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a recommendation to the County Board "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112).
4. The purpose of this Comprehensive Plan Conformity report is to determine whether these permanent conservation easements are in conformance with the 2025 Comprehensive Plan.
5. The proposed conservation easement will protect untilled native prairie and will include provisions prohibiting specific uses and practices.
6. The conservation easement will be held by the Lower Platte South NRD.
7. The County Engineer indicates no objection.

Prepared by:

Mike DeKalb, 441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)

**Date:** April 22, 2005

**Applicant:** Prairie Solitude, LLC  
408 Platte Ave., Suite A  
York, NE 68467  
(402) 362-5506

**Contact:** Bradley E. Barrows  
408 Platte Avenue, Suite A  
York, NE 68467  
(402) 362-5506

**Owner:** Prairie Solitude, LLC  
A Nebraska Limited Liability Company

**Conservation**

**Easement Holder:** Lower Platte South Natural Resource District  
3125 Portia Street  
Lincoln, NE 68521  
(402) 476 - 2729

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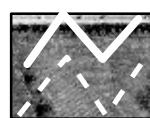
1999 aerial

# **Comp. Plan Conformance #05003** **SW 126th & W. Van Dorn St.** **Conservation Easement**

## **Zoning:**

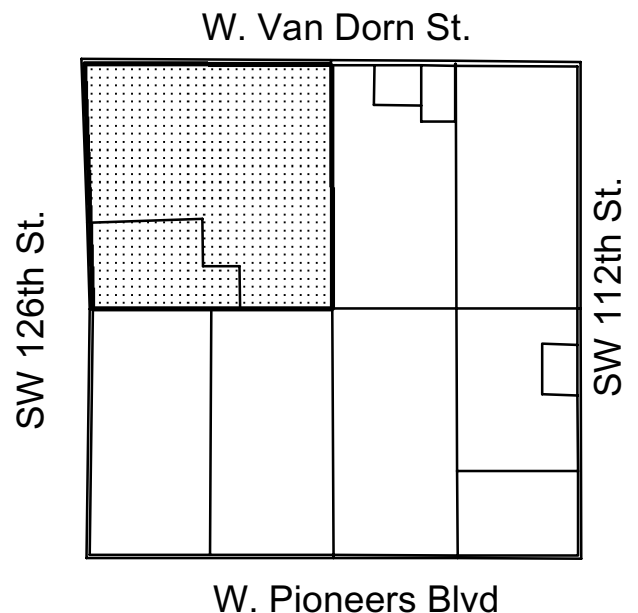
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 5 T9N R5E



Zoning Jurisdiction Lines

City Limit Jurisdiction



**Comp. Plan Conformance #05003  
SW 126th & W. Van Dorn St.  
Conservation Easement**



COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTLY ON THE SOUTHLINE OF SAID NORTHWEST QUARTER, ON AN ASSIGNED BEARING OF S 58°04'45"E 1950.23'; TO THE POINT OF BEGINNING; THENCE NORTHERLY, N 10°58'47"E 207.12'; THENCE EASTERLY, E 88°22'01" 532.44'; TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTHWESTERLY, S 61°19'13" 107.06'; TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY, ON THE SOUTHLINE OF SAID NORTHWEST QUARTER, N 65°04'43"W 619.13'; TO THE POINT OF BEGINNING. SAID TRACT CONTAINING AN AREA OF 20.065 ACRES, MORE OR LESS.

**Comp. Plan Conformance #05003  
SW 126th & W. Van Dorn St.  
Conservation Easement**

BILLY JOE KERR. 15 1483

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PROJ. # 0306079A

CONSERVATION EASEMENT

THAT PART OF LOT 17 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 5 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER, ON AN ASSIGNED BEARING OF S 1°37'32"W 50.00', TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING SOUTHERLY ON SAID EAST LINE, S 1°37'32"W 2582.51', TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, N 88°04'45"W 2536.34', TO A POINT LOCATED 33.00' EASTERLY OF THE WEST LINE OF SAID NORTHWEST QUARTER, AS MEASURED NORMAL TO SAID WEST LINE; THENCE NORTHERLY AND PARALLEL TO SAID WEST LINE, N 0°00'00"E 456.46'; THENCE EASTERLY, N 90°00'00"E 360.48'; THENCE NORTHERLY, N 0°00'00"E 905.35'; THENCE WESTERLY, S 90°00'00"W 360.48', TO A POINT LOCATED 33.00' EASTERLY OF SAID WEST LINE; THENCE NORTHERLY AND PARALLEL TO SAID WEST LINE, N 0°00'00"E 1235.54', TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST VAN DORN STREET; THENCE EASTERLY ON SAID SOUTHERLY RIGHT OF WAY LINE, S 87°47'05"E 847.30'; THENCE SOUTHERLY, S 2°12'55"W 450.00'; THENCE EASTERLY, S 87°47'05"E 393.48'; THENCE NORTHERLY, N 2°12'55"E 316.37'; THENCE SOUTHEASTERLY, S 61°16'57"E 299.97'; THENCE SOUTHWESTERLY, S 45°01'34"W 612.02'; THENCE SOUTHEASTERLY, S 44°22'24"E 174.98'; THENCE SOUTHEASTERLY, S 33°05'37"E 288.38'; THENCE SOUTHEASTERLY, S 59°57'55"E 553.58'; THENCE EASTERLY, S 74°35'17"E 398.75'; THENCE EASTERLY, S 85°45'22"E 255.66'; THENCE EASTERLY, S 89°52'48"E 117.49'; THENCE NORTHERLY, N 1°37'32"E 614.71'; THENCE WESTERLY, N 89°52'48"W 111.51'; THENCE WESTERLY, N 85°45'22"W 173.46'; THENCE WESTERLY, N 74°35'17"W 259.83'; THENCE NORTHWESTERLY, N 59°57'55"W 424.57'; THENCE NORTHWESTERLY, N 28°59'03"W 49.43'; THENCE NORTHERLY, N 2°04'44"W 77.89'; THENCE NORTHWESTERLY, N 30°29'20"W 250.04'; THENCE NORTHWESTERLY, N 61°16'57"W 280.39'; THENCE NORTHERLY, N 2°12'55"E 96.50', TO A POINT ON SAID SOUTH RIGHT OF WAY LINE; THENCE EASTERLY ON SAID SOUTH RIGHT OF WAY LINE, S 87°47'05"E 1342.37', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 118.87 ACRES, MORE OF LESS.

**Comp. Plan Conformance #05003**  
**SW 126th & W. Van Dorn St.**  
**Conservation Easement**



April 14, 2005

Prairie Solitude, LLC  
408 Platte Ave., Suite A  
York, NE 68467

City of Lincoln - Lancaster County  
Planning Commission  
555 S. 10<sup>th</sup> St., Room 213  
Lincoln, NE 68508

Dear Sir or Madam:

This letter is to confirm that Prairie Solitude, LLC is making an application to file one or more Conservation Easements on a portion of Lots 16 and 17, Irregular Tracts located in the Northwest Quarter (NW 1/4) of Section 5, Township 9 North, Range 5 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

A bid has been submitted and accepted to enroll a portion of the real estate in the Conservation Reserve Program. That portion of the tillable acres which is enrolled will be planted with native grasses and wild flowers. Native prairie, ponds and trees occupy the majority of the remainder of the property.

Envelopes will be excluded from the Conservation Easements to allow one or more homes to be built on the remainder of the real estate in full compliance with the applicable zoning regulations. It is contemplated that the real estate may be broken into one or more tracts of 20 acres each in the future.

Given the topography of the real estate and the propensity to erosion, good stewardship by imposition of the Conservation Easement(s) will benefit the public and the real estate.

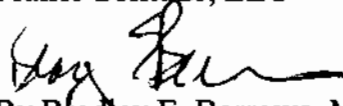
A prior application for permission to donate a Conservation Easement on a portion of the real estate was made and favorably acted on by the Lancaster County Board. A new application is necessary due to a change in the anticipated Grantee. Also, the area to included in the property to be protected by the Conservation Easement was expanded as requested by the anticipated Grantee, Lower Platte South Natural Resources District, to increase the amount of native prairie to be protected by the Conservation Easement.

We believe the changes in the anticipated donee and the expanded area to be protected by the Conservation Easement will lead to a better result.

City of Lincoln - Lancaster County  
Planning Commission  
April 14, 2005  
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If you have questions, please advise.

Sincerely,  
Prairie Solitude, LLC



By Bradley E. Barrows, Manager  
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(402) 362-5506